

CHARLES BRANNON,)
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 Plaintiff,)
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 v.) Case No. CV610-052
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 ALLIED INTERSTATE, INC.,)
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 Defendant.)

Plaintiff in this Fair Debt Collection Practices Act case moves to compel defendant to answer his interrogatories and produce certain documents. (Doc. 23.) The motion to compel is denied, since plaintiff has failed to show that he has made a good faith effort to resolve the discovery dispute without court intervention. Fed. R. Civ. P. 37(a)(1).

While plaintiff has attached a one-line “Rule 37(a)(1) certification” stating “that he in good faith conferred with the ‘party failing to make disclosure or discovery in an effort to obtain it without court action’” (doc. 23 at 8), he has not provided any factual allegations or attached any evidence supporting his conclusory assertion. Instead, he attached his discovery requests and defendant’s allegedly inadequate responses. (Doc.

23 at 10-27.)

The Rule 37(a)(1) meet-and-confer requirements, however, are not satisfied merely by requesting or demanding compliance with requests for discovery. *Williams v. Sprint/United Management Co.*, 245 F.R.D. 660, 664 (D. Kan. 2007). The parties must determine precisely what the requesting party is actually seeking, what responsive documents or information can be produced, and what specific objections or other issues exist. *Id.* Plaintiff *must* show that he conferred with defendant about the discovery dispute in issue. Without such a showing, the motion to compel suffers from a fatal defect and must be denied. *See Cotracom Commodity Trading Co. v. Seaboard Corp.*, 189 F.R.D. 456, 459-60 (D. Kan. 1999). The federal courts have “vigorously implemented this requirement.” 8B CHARLES A. WRIGHT, ET AL., FEDERAL PRACTICE AND PROCEDURE § 2285 at 489 (3d ed. 2010). Plaintiff has not satisfied Rule 37(a)(1)’s mandates here, so his motion to compel (doc. 23) is **DENIED**.

SO ORDERED this 29th day of December, 2010.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT of GEORGIA